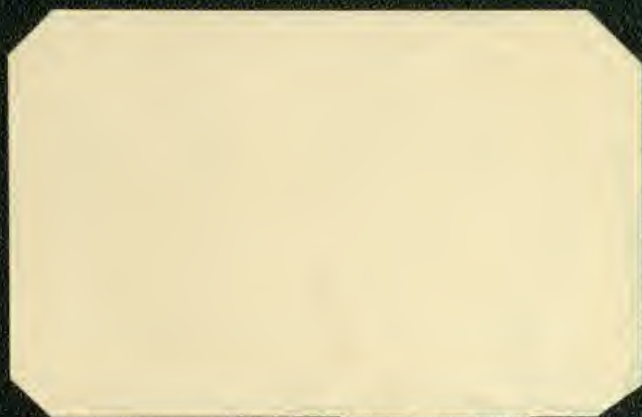


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SPEECH

OF

HON. M. RUSSELL THAYER,
OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

APRIL 30, 1864,

ON

THE BILL TO GUARANTEE TO CERTAIN STATES WHOSE
GOVERNMENTS HAVE BEEN OVERTHROWN, A
REPUBLICAN FORM OF GOVERNMENT.

WASHINGTON, D. C.:
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RECONSTRUCTION OF REBEL STATES.

SPEECH

OF

HON. M. R. THAYER,
OF PENNSYLVANIA,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, APRIL 20, 1864.

The House having under consideration the Bill to guarantee to certain States whose governments have been overthrown a republican form of government—

Mr. THAYER said:

Mr. SPEAKER: Our experience, in the solution of the political problems which have arisen out of the war, should teach us at least this lesson, that however great at first sight may appear to be the difficulties which confront us, a wise, prudent, and patriotic use of the powers delegated by the people of the United States to the national Government is sufficient to overcome them. When the war broke out, we were immediately encompassed by a multitude of new, strange, and difficult questions, all of them growing out of the peculiarities of a political system for the most part new in the history of man, and for which no exact precedent or parallel had existed in the experience of the world. This system rested upon a written Constitution at once so complex in its structure, yet so simple in its practical operation, that to this day it has not ceased to perplex the statesmen and politicians of the Old World, who, accustomed to more arbitrary forms of government, were unable to comprehend entirely a system presenting all the features of a great and powerful nationality, yet embracing within itself, for the purposes of local government, thirty-four subordinate States, each with its three departments of government modeled in exact accordance with their great pattern, and all, until the rebellion, moving in harmonious action with the supreme national sovereignty, and sending to it, as rivers send to the sea, their combined strength and power. Sir, the history of the human race does not exhibit any monument of ingenuity at all comparable with this great framework of American political society, which, notwithstanding its magnitude, the extent of its operations, its complicated arrangements, and the greatness of the resources it commanded and of the power it wielded, yet rested upon the shoulders of the people as lightly as the atmosphere which they breathed. It was a law of necessity that when traitors applied the torch to a

portion of this great and beautiful structure, much ruin should ensue, and that much perplexity should be felt in putting out the conflagration which their disappointed ambition had kindled, and in rebuilding the waste places which their insane fury had destroyed. When the ruin is repaired and the edifice rises again before the eyes of the nations in renovated splendor, the loyal people of this country will demand that those persons shall not again pass its protecting portal or enter its sacred precincts until they are purged of their treason, have cast off their political vices, and given bonds for our future security.

From the beginning it was apparent that there existed in this country a school of politicians whose principles were hostile to the perpetuity of our system, and whose favorite dogma of State sovereignty was absolutely inconsistent with the existence of the national Government. The baneful influence of these principles was foreseen by the great men who were principally instrumental in the formation of the Constitution and who labored to protect it against them. Therefore it was that Hamilton declared: "A national Government ought to be able to support itself without the aid or interference of the State governments, and therefore it is necessary to have *full sovereignty*." And therefore it was that Madison exclaimed: "I am for a *national Government*, though the idea of Federal is, in my view, the same;" and on another occasion when he declared, "I apprehend the greatest danger is from encroachment of the States on the national Government. This apprehension is justly founded on the experience of ancient confederacies, and our own is proof of it." Therefore it was that the fathers of the Republic in making a Constitution, made, as the result of this war will demonstrate, not a league between States, but a Government for the American people; a Government which exists not by the consent of the sections but by the will of the majority of the whole people; which makes laws not for States but for a nation, and whose authority passes over State lines with as little notice of them as the winds which blow across them. The idea of State sovereignty as understood by the school of politicians referred to is fundamentally opposed to the Constitution of the United States, and as inconsistent with it as the proposition that in the material world two different substances can occupy in space the same position at the same time.

But from the foundation of the Government to the present time this pestilent heresy has notwithstanding had its disciples and propagandists. When the Democratic party, in the convention of 1850, adopted the resolutions of 1798, which affirmed the right of a State to interpose its authority against the acts of the United States, (which is the very germ of secession,) it became apparent that the time must come when this false principle must grapple in deadly conflict with the true theory of the Government, and one or the other of them perish in the encounter. That time has come, and the war which now desolates the land is the legitimate offspring of this per-

icious error. I know, sir, how much the abominable institution of human slavery had to do with the origin of the war. I know that in our present miseries we but realize those fearful apprehensions expressed by Mr. Jefferson in his Notes on Virginia, when he exclaimed, "Indeed, I tremble for my country when I reflect that God is just." Slavery was undoubtedly the proximate cause of the war; nevertheless it was only its foster-mother. It was born of State sovereignty, though suckled into strength and vigor by this monster of cruelty. Indeed, the parent itself was chiefly indebted to the same sustenance for the dangerous proportions to which it grew, for slavery encouraged and exalted it as the necessary bulwark of its own existence. Hence, in the southern States this doctrine of State sovereignty has for the last thirty years been a favorite idea, and has come to be a principle so generally believed in that the people of those States have not hesitated to cast off their allegiance as they would a worn-out garment, and at the command of a few political demagogues to precipitate the country into the horrors of the present civil war.

The growth of this idea in the southern States kept pace with the rapid corruption of the public sentiment upon the subject of slavery. As slavery was at first humble, then apologetic, then respectable, then justifiable, then necessary, then a blessing, then divinely appointed, then ambitious, then aggressive, then domineering, then insulting, then rebellious, so the doctrine of State sovereignty was at first a political theory, then an active principle, then a political dogma, then a party war-cry, then a conspiracy against the Government, then a usurping power, then an armed rebel and public enemy. As slavery impaired the moral sense of the people, so State sovereignty corrupted their political faith; and their combined influences destroyed their loyalty to their country and drove them into the desperate war which they now wage against it. Both evils must be forever extirpated before the country can enter again upon a career of permanent peace and prosperity. The bill now before the House, while it aims to extinguish forever one cause of the existing rebellion, has for its chief object, as I understand it, the vindication of the national authority and the assertion of its perpetual sovereignty; and for this reason should command the support of every man who believes in human liberty and desires that his children should not be left without a country, without a Government, without a future.

The extraordinary subserviency of the Democratic party of the North to the pro-slavery doctrines of the South, and the controlling power which the representatives of the latter obtained over the former—a power which was a reproach to free labor and a scandal to the principles of democratic Government—were mainly attributable to the assiduity with which southern politicians propagated this destructive doctrine of State sovereignty, and its final adoption by the Democratic party. Having committed itself to this fatal heresy, it followed blindly the path of its southern leaders until in the begin-

ning of the year 1861 its northern adherents found themselves standing upon the edge of rebellion and civil war, and invited by those who had led them thither to descend into its fiery gulf. The deceived and betrayed masses who had followed its fortunes in the North drew back with horror and declared their determination to maintain the integrity of their country at all hazards; but even then, in that hour of supreme agony in which the destinies of the country trembled in the balances of fate, the recreant voice of their President was heard reasserting this false doctrine amid the recent ruin which it had made, and declaring that the Constitution conferred no power upon the Government to coerce "a sovereign State."

Sir, no power of language at my command can fitly describe the great treachery which was then committed against the American people, and I forbear, for the man, although he still moves among living men, has really passed away. Dante, in his journey through hell, relates that as he passed through that dismal region, in which he beheld traitors frozen up in swaths of ice, their eyes incrustated with their frozen tears as in a crystal visor, he met the friar Alberigo. "What!" exclaimed Dante, "art thou no longer, then, among the living?" "Perhaps I appear to be," answered the friar, "for the moment any one commits a treachery like mine his soul gives up his body to a demon who thenceforward inhabits it in the man's likeness. Thou knowest Branca Doria who murdered his father-in-law, Zanche? He seems to be walking the earth still, and yet he has been in this place many years." "Impossible!" cried Dante; "Branca Doria is still alive; he eats, drinks, and sleeps like any other man." "I tell thee," returned the friar, "that the soul of the man he slew had not reached that lake of boiling pitch in which thou sawest him ere the soul of his slayer was in this place, and his body occupied by a demon in its stead."

The loyal people of the North of all parties rejected with scorn the proposition that the Government of the United States had no power to compel obedience to its laws, and to preserve itself from disintegration and destruction. The answer of the people was like the roar of many waters, revealing the fact that the instinct of nationality was as deeply seated in the hearts of the American people as that of life and self-preservation in the bosom of human nature. The doctrine of State supremacy, culminating as it did in treason and rebellion, was exhibited in all its monstrous deformity, and people who had watched its tendencies and reflected upon its disastrous consequences began to hope that from the North at least it had disappeared forever. But as the war progressed, and party spirit, freed from the temporary paralysis which it had suffered, began again to display itself, with it reappeared the old enemy of our national existence, and this pernicious doctrine is now, and for the last two years has been the chief weapon in the hands of the party opposed to the Administration with which it carries on its opposition to the measures which are necessary for the successful prosecution of the war.

This was their principal argument against the conscription law; and I cannot better illustrate the subject than by a brief reference to it. Their desire to make use of their favorite dogma of State sovereignty against that measure led them into the greatest absurdities. No proposition can be plainer than this, that every citizen owes military service to his country, if it be necessary to defend it against foreign invasion or internal rebellion. From the times in which the Roman consul or prætor was accustomed every year to assemble in the Campus Martinus all the citizens who were bound to participate in the formation of the four legions which they annually raised, down to the present time, this principle has been held by every organized political society. The works of Montesquieu, Puffendorf, Grotius, Locke, Vattel, and all the writers on government perfectly attest it. Indeed, no nation can permanently exist without it. Carthage alone among ancient States disregarded it, relying for support upon levies drawn from Africa, Spain, Gaul, &c. The penalty she paid for it was, as every school-boy knows, the loss of her liberty and her existence. The duty of personal military service by the citizen to the State is recognized by the constitution of almost every State in this Union. The raising of armies by compulsory draft was a thing perfectly well known in the history of the several States and of the Revolution. The plan of General Knox, Secretary of War, submitted to Congress by General Washington in January, 1790, contemplated as liable to service all persons between the ages of eighteen and sixty; and stated explicitly that "every man of the proper age and ability of body is firmly bound by the social compact to perform personally his proportion of military duty for the defense of the State." (7 Niles's Register, p. 296.) Here is a contemporaneous construction of the Constitution adopted by General Knox, and approved by General Washington.

Rhode Island was the last State which ratified the Constitution. On the 29th May, 1790, their convention proposed certain amendments to the Constitution, one of which was as follows:

"No person shall be compelled to do military duty otherwise than by voluntary enlistment except in case of general invasion, anything in the second paragraph of the sixth article of the Constitution, or any law made under the Constitution, to the contrary notwithstanding."—*Eliot's Debates*, 371.

Another contemporaneous exposition, the force of which cannot be depreciated. On the 17th October, 1814, Mr. Monroe, then Secretary of War, with the approbation of Mr. Madison, proposed to Congress a plan for a compulsory draft, (7 Niles's Register, 137,) which no doubt would have been adopted and carried into effect had not peace soon ensued thereafter. Indeed, I believe there is but one American document which can be cited as authority against the power of Congress to compel military service by a draft; and that is the resolution of the Hartford Convention in 1815. (7 Niles's Register, 307.) Yet, in the face of history, in the face of the express grant of power in the Constitution, and of the construction, both

contemporaneous and subsequent, of that grant, and in the face of the solemn decision of the Supreme Court of the United States in *Gibbons vs. Ogden*, (9 Wheaton, 196,) that all the powers vested by the Constitution in Congress are complete in themselves, and may be exercised to their utmost extent, and that there are no limitations upon them except such as are prescribed in the Constitution, we have heard gentlemen upon the other side of this House, day after day, denouncing the draft as an invasion of State sovereignty. Are they ignorant of the history of their own country and of its public men? If not, they must be aware that Mr. Calhoun himself—to them *haud ignobile nomen*—advocated the proposition that Congress should raise an army by a draft, expressing his views upon that subject in his speech in the House of Representatives, January 31, 1816, on the motion to repeal the direct tax, as follows:

“Although militia freshly drawn from their homes may in a moment of enthusiasm do great service, as at New Orleans, yet in general they are not calculated for service in the field until time is allowed them to acquire habits of discipline and subordination. *On land your defense ought to depend on a regular draft from the body of the people.* You will thus in time of war dispense with the business of recruiting, a mode of defending the country every way uncongenial with our republican institutions. I know that I utter truths unpleasant to those who wish to enjoy liberty without making the efforts necessary to secure it. Her favor is never won by the cowardly, the vicious, or indolent.”—*Calhoun's Works*, vol. 2, p. 146.

Some of the most violent of the denunciations of that measure have come from gentlemen upon the other side of the House from the State of New York, commencing with the gentleman from the fifth district of that State, [Mr. FERNANDO WOOD,] who stigmatized the war for the preservation of the Union as a “hellish crusade of blood and famine,” and ending with the gentleman from the thirteenth district, [Mr. STEELE,] who in his recent speech upon the national currency bill made the measure referred to the subject of fresh attack, denouncing it as odious, unnecessary, and oppressive, and as calculated to subvert the liberties of the people, and centralize power in the General Government.

Have these gentlemen forgotten the history of their own State? If they have not, they must remember that the first constitution of New York, made in 1777, declared “that it is the duty of every man who enjoys the protection of society to be prepared and willing to defend it.” They must also remember that during the second war of independence, Mr. Van Buren introduced into the Senate of that State a bill to raise twelve thousand men by drafting, to be placed in the service of the United States, which after being amended became a law on the 24th October, 1784. It was stigmatized as a conscription bill by the opposition of that day, but it was approved by Governor Tompkins—who was twice elected Vice President of the United States—and sustained by the judges of the Supreme Court. Nor can I suppose them to be ignorant of the fact that the laws of the State of New York expressly recognize the constitutional right of the national Government to raise an army by a draft; the act of 1854, passed before the war, enacting that “all able-bodied

white male citizens between the ages of eighteen and forty-five years, residing in this State, *not exempted by the laws of the United States*, shall be subject to military duty," (Act 1854, ch. 398, tit. 1, sec. 1, 1 Rev. Stat., 715,) and the same act requiring the assessors to include in their assessment rolls the names of all persons between the ages of eighteen and forty-five years "*liable to be enrolled by the laws of the United States*," (*Ib.*, 723,) and the same act yet more plainly declaring that "whenever the President of the United States or the Commander-in-Chief *shall order a draft* from the militia for the public service, such draft shall be made in the following manner," which manner is then expressed. (1 New York Rev. Statutes, 744.)

But, Mr. Speaker, I must beg pardon of the House for this digression in regard to the conscription law. My object in it has been to show the errors and absurdities into which men are driven by this phantom of State sovereignty. It might be illustrated by reference to the opposition which has been made to other measures of great importance, especially by that made to the national currency bill, which many intelligent gentlemen on this side of the House refused to support unless the capital of the national banks should be subjected to State taxation, which, to say nothing of the inequality which such a provision would introduce, would place the very existence of institutions created by the national Legislature and intended to be entirely under its control and regulation at the mercy of political parties in thirty-four different Legislatures. Indeed, scarcely any national measure of importance can be started here that is not destined to be fatally crippled in its usefulness or absolutely turned into stone by this Medusa's head. The cry of centralization and consolidation is raised by shallow minds against everything of an exclusively national character which originates here. From a certain school of theorists and politicians this is to be expected. Their political cogitations revolve upon an axis, but have no orbits. The axis is State sovereignty, around which they spin continually but make no progress. Sir, the people of the United States have by their Constitution made themselves a nation, and such, by the blessing of God, they intend to remain. It is time that their Representatives should comprehend this great fact. There is in this country but one sovereignty. That resides in the people of the United States in their collective capacity; and of that sovereignty there is but one organ, and that organ is the Government of the United States, consisting of its three factors, Congress, Judiciary, and Executive.

If any one shall ask what this discussion has to do with the present measure before the House, I answer, much. For in this great fact, that in the national Government alone is deposited the sovereignty of the people, lies the solution of the difficulties which lie in our path in rebuilding that portion of our inheritance which the rebellion has laid waste. The powers delegated by the people of the United States to the national Government are sufficient for the great work we have before us.

That the time has come in which Congress in the exercise of the great powers conferred upon it by the people should settle and authoritatively declare the terms and conditions upon which the people of the rebellious districts should be restored to their State privileges and resume their just relations to the national Government does not admit of doubt. Large portions of territory have been wrested from the rebellion. Order, law, and the national authority must be re-established in those regions. The people who inhabit them, or at least such of them as are willing to return to their allegiance to the United States, and to acknowledge its sovereignty and obey its laws, should be restored with the least possible delay to the privileges of representative Government. Humanity demands this; the pacification of the country demands this; the principles of our political system demand it; justice, expediency, and the welfare of the whole country alike demand it. Passing events admonish us that we can no longer delay the exercise of our powers in this respect without justly subjecting ourselves to the charge of neglecting both our own duty and the highest interests of the people. Here alone resides the power. Congress alone can enact the laws which are to reconstruct the political societies in which the fundamental principle of loyalty to the national Government and obedience to its laws and respect for its authority has been obliterated by the violence of rebellion. The President of the United States cannot enact these laws, and it is in my opinion a reproach to Congress that by its inaction up to the present time it has rendered it necessary that the national Executive should be obliged, by a sense of obligation to the public welfare to resort to temporary expedients for the preservation of public order and the assertion of national supremacy in those districts and States which the valor of our soldiers has redeemed from the insulting domination of the rebel army.

With regard to what has been done, the pressing necessities of the case demanded Executive action in the absence of action here. The President would have violated his obligations to the country if he had neglected to re-establish the authority of the United States in the regions which have been recovered from the public enemy, and to restore to the people of those regions the protection of the United States, and of a temporary government administered by those who represented its authority, and would see that it was enforced and respected. What has been done in that respect by the President I believe to have been well done, wisely done, and patriotically done, and to have been demanded alike by the necessity of the case and for the welfare of the Republic. But it is the duty of Congress to put an end to the necessity which existed for Executive action, and by the exercise of that exclusive authority over the subject which belongs to it by the Constitution to relieve the Executive Magistrate as speedily as possible from any further action or responsibility in the matter. To us, and to us alone, belong the duty and the responsibility of declaring the terms upon which the communities which have revolted

from the United States, and which have by the success of our arms been again subjected to its authority, shall be restored again to the privileges and immunities which belong to American citizens. To us alone belongs the making of the laws which are to accomplish this great object, and which are to place upon secure foundations the future authority and prosperity of the United States. Let us no longer delay the performance of this great duty, but enter upon it with a determination so to build that this great house of freedom shall not again be undermined or shaken by the evil influences which have caused the present disaster.

Sir, we have heard much said upon the question whether the rebel States are now in or out of the Union. Much ingenuity and many arguments have been expended upon it. But in my judgment such discussions are as useless as those in which some ancient lawyers have indulged, in their efforts to determine where the remainder is in case of a lease for life remainder to the right heirs of J. S. then living; whether it is in abeyance, *in gremio legis* or *in nubibus*. There are well-founded objections to its being in either place, and so there may be to any direct answer given to the question with which gentlemen have exercised their intellectual faculties. This has been a favorite question with the gentlemen who sit on the opposite side of this House, and they have built lengthy arguments and wasted much breath upon the answers to it so obligingly given upon this side. If it is answered that the rebel States are in the Union they immediately respond that they are then entitled to all the advantages of that position, and to the protection of the Constitution, and that their State organizations have been unaffected by the rebellion. If it be answered that they are out of the Union, they immediately demand by what authority, then, we can treat them as rebels. It matters not in either case that the conclusion drawn is based upon a bald and familiar fallacy. In both cases the answer is alike favorable to their friends.

Whatever difficulties such minds may have in regard to the present condition of the rebel States, this much is plain to all who deny the right of secession and who believe in the right of the people of the United States to preserve their government from destruction and their country from dismemberment, namely, that both the territory which has been subjected to rebel control and the people who inhabit it are lawfully subject to the authority of the United States, and must be made to respect and obey it. The question before us is, in what manner and upon what conditions the people of those States may, as rapidly as by the blessing of God upon our arms the national sovereignty is re-established in those regions, be restored to the right of self-government and of representation in the national Legislature.

That in doing this it is our duty to adopt such safeguards as may be necessary to protect the country against future outbreaks of a similar character, to insure permanent peace and tranquillity, and to

settle upon secure foundations the authority of the national Government, would seem to be a proposition too clear for debate. If we neglect these precautions we are false to the great trust which the people have reposed in our hands. Much has been said from time to time in regard to the subjugation of the South, and it has been made the theme of much party clamor. But I am not aware that either the Government or any one else has proposed more in this respect than to re-establish the authority of the United States in that portion of its domain, and to exact such conditions from its people, as preliminary to their restoration to the full rights of citizenship, as may be necessary to the safety of our republican system. These conditions are to be prescribed by the representatives of the people, assembled in the Congress of the United States. If to be restored to the national protection, to be subjected to the national authority, to enjoy the privileges of American citizenship and the blessings of representative government, upon conditions entirely compatible with personal and political liberty, but involving unqualified allegiance to the supreme authority of the Union and the total extirpation of the very root of the rebellion—if this be subjugation, then they must pass beneath the yoke.

To reward the perpetrators of this great crime against civil liberty by welcoming them back to the Union without securities for the present or pledges for the future; to place the destinies of the country in the hands of their representatives without any safeguard against the repetition of the treason which has desolated the land with fire and sword, which has created burdens under which our posterity must toil for generations, which has filled a continent with groans of anguish, and made our sufferings the jest and mockery of every despot in the world—this would indeed be a folly unequalled in the history of time, a crime against the living and the dead. Every soldier who has given his life for this great cause, from Big Bethel to Gettysburg, and who died that his country might live, would upbraid us from his heroic grave for an infidelity so great as this. No, sir. They who have at such great cost saved the present, demand that we should make the future secure. All the sufferings and sacrifices of the past, all the struggles of the present, all the hopes of the future implore, nay, demand of us that as the rebel armies are forced back, and the territory of the Union is reclaimed from the rebellion, such conditions shall be imposed and such measures enacted that the peace which is attained shall, in its glory and its permanency, be proportioned to the self-devotion, the sufferings, and the heroism by which it was achieved. If we fail in this we fail alike in our duty to our country and our gratitude to those who have saved it from disruption, debasement, and perpetual war.

Upon what conditions, then, if successful in the present struggle, must we insist, as preliminary to the reorganization of local government, in the rebel States in accord with the Government of the United States? There are three which in my opinion are indispen-

sable to our self-respect and our future security ; and it is because these three conditions are contained in the bill now before the House that I shall give it my support, content to abide by such alteration in the details of the measure proposed as Congress may in its wisdom see fit to adopt, while these conditions, which I regard as the essential features of any plan for the restoration of the rebel States to their proper position in the American Union, are preserved :

1. Any governments there organized must be based upon the principle of unconditional and perpetual loyalty to the Government of the United States, subordination to its power, and submission to its Constitution and laws.

2. The institution of slavery in those States must be totally extirpated and forever prohibited by their fundamental law.

3. Compulsory repudiation of the rebel debt.

The local governments in the rebel States have been violently driven from their natural and proper orbits and brought into destructive collision with the national Government around which they have heretofore peacefully revolved. All their powers and resources have been perverted from their true purposes and concentrated in the unnatural war which they have waged against the Government of the United States. The prosecution of that war has been the chief object of their legislation for the last three years. They have attempted not only to break that bond of eternal allegiance which bound them to the General Government, but to substitute for it an alliance with another and hostile government, the creature of their own treasonable revolt, and supported it by their governors, their representatives, their judiciary, their supplies, their money, and their men. They have in their legislative acts, in the proclamations of their governors, in the judgments of their courts, by every public officer in their service, and by every function at their command, forsworn their allegiance to the United States, banished its officers, seized its property, reviled its sovereignty, and made war upon its loyal citizens. Every officer, civil and military, in their service is a sworn enemy of the United States.

Are governments constituted in this manner, thus administered and thus officered, to be received into the bosom of the Union, unwashed of their great crime and prepared to commence again upon the first favorable opportunity their schemes of disunion and civil war? Have all the sacrifices to which we have submitted been made for this? Is it for this that our soldiers have shed their blood and given up their lives upon a hundred battle-fields which their courage and constancy have made immortal? Is it for this that we have submitted to foreign insult, to domestic feuds, to domestic sorrows, to pecuniary distress and all the cloud of horrors through which we have passed? History presents no example of a political blindness and infatuation greater than that which such a course of action would involve. The safety of the country, its future repose, the continuance of the Union, and the firm establishment of our political system

imperatively demand that in the reorganization of local governments in the rebel States the foundations of such governments must rest upon the principle of submission to the Constitution and laws of the United States. This must be the chief corner-stone of the whole structure. Any other will be but a foundation of sand, which will again imperil the whole fabric of American liberty.

In order to accomplish this effectually this principle must be incorporated in their organic law and assume the character of an authoritative declaration by the people themselves. The seventh section of the bill now^a before the House contains a provision for this purpose, and is in my opinion a necessary condition of any plan for the proposed object. It is also necessary to guard the elective franchise and the privilege of holding office in those States against the intrusion and treachery of all who have in any sense been leaders in the present rebellion. For this purpose prudence requires that all who have held office under the pretended rebel government should be excluded from these privileges. It does not, however, appear to me to be necessary to exclude *all* who have held office under the State governments. The chief officers of these governments; such as Governors and other high officers, all of whom have been chief actors in the rebellion and have promoted it by every means in their power, should be excluded; but I do not believe that either necessity or sound policy requires the exclusion of the large number of ministerial subordinates who have participated in the administration of local affairs, who have not been leaders of the rebellion, and who are willing to return to their allegiance to the United States.

I would not increase unnecessarily these restrictions. I would not extend them one whit beyond what is absolutely required for the public safety. I for one am willing to extend to the people of those States, upon their returning to their allegiance, every benefit, and of restoring to them every right which is consistent with the permanent re-establishment of the authority of the United States. It is our duty, in my opinion, to make the path to this object as easy as possible. Any such path, containing the necessary conditions for this purpose, will to most of them appear rugged and humiliating. This is the necessary result of their failure to overthrow the Government of the United States. But it would appear to me to be wise and just and humane and politic to place no unnecessary difficulties or obstacles in the way of an early and complete pacification of the whole country. For these reasons I would prefer to see some modifications of this feature of the seventh section of the bill. I believe that every essential purpose would be answered by excluding from office and the elective franchise all officers of the pretended confederacy, and such high officers of State, under the local governments, as have been chiefly instrumental in aiding and abetting the rebellion. To all other classes of the free white male population of these States I would confidently surrender the privileges of the elective franchise and the same rights of citizenship which we ourselves enjoy, upon their lay-

ing down their arms and returning to their true allegiance. Nothing, I believe, could be further from the wishes of the people of the United States than to deprive the masses of the Southern people, who are willing to return to their allegiance to the Government of their fathers, of one solitary right which they themselves enjoy.

The compulsory repudiation of the rebel debt, by which I mean all debts of the pretended confederate States and State debts contracted solely for the prosecution of the war against the United States, is a measure which, in my opinion, is demanded on the part of the United States, if successful in the present struggle, not only by a just self-respect, and as a proper and necessary vindication of its own sovereignty, but in order that it may remain a lasting monument of the wickedness and folly of the present rebellion. It is also a just and merited punishment to be inflicted upon those who have lent substantial aid to the rebellion; and it has the further merit that it reaches with its retributive justice those foreign speculators in our sufferings who, at a safe distance, have wickedly connived at, encouraged, and aided in the attempt to break in pieces our nationality and to destroy our free institutions. This feature of the bill meets with my entire approval. I would not, however, in doing this, unsettle any State debt which may have been contracted for the purpose only of carrying on the civil affairs of the State, and which had not for its object the prosecution of the war or the strengthening of the pretended confederacy. I would therefore prefer to see the third condition specified in the seventh section of the bill so modified that it should declare that no debt of the pretended confederate States and no debt contracted by the State for the purpose of prosecuting the war against the United States or of giving aid to its enemies, shall be recognized or paid by the State.

That slavery must, as a necessary consequence of this war, forever disappear from the American Republic I believe to be a conclusion long since reached by a large majority of the loyal people of the United States. So far as relates to the border States, which have nobly stood by their allegiance to the national Government, I am not in favor of any interference with it, because under our present Constitution we have no such right of interference, and honor and duty alike require that we should refrain from such interference. I am in favor of leaving to the people of those States the entire control and management of this question. I fully believe that they will find it for their interest and welfare at no great distance of time to make their institutions in this respect correspond with those of the free States. The recent action of the people of Maryland upon this subject, by which, on the 6th day of April, they declared themselves by a large majority in favor of immediate emancipation, and forever destroyed the political significance of Mason and Dixon's line, gives assurance, I believe, of what will be the ultimate action of the people of all the border States in reference to this matter. But however this may be, I regard it as a question entirely for themselves; and while

the Constitution remains as it is and they adhere steadfastly to the allegiance, I believe it to be our duty to abstain from any interference except it be at their own request by way of aiding them in the great reform.

But as regards the rebel States I hold an entirely different opinion; and this leads me to answer the interrogatory of the honorable gentleman from Illinois [Mr. J. C. ALLEN] when he asks from whence Congress derives the power to frame these provisions and to dictate what shall be the character of the constitution and laws of those States. It is certainly a most singular and extraordinary doctrine which seems to be held by some members of this House, including the gentleman from Illinois, that the people of the States who have thrown off all the restraints of the Constitution, who have abjured its ties, and who have for three years waged war for the purpose of overthrowing it, should be entitled to demand its protection while engaged in armed hostility to it. It is as if an alien enemy who has broken and trampled upon all existing treaties should demand in the midst of flagrant war their enforcement in his own favor. Sir, the people of those States have placed themselves beyond the pale of the Constitution. They have no right to appeal to one of its provisions. They are estopped by their own acts from claiming the protection of a single line in that instrument. They have placed themselves towards this Government in a state of war, and we have a right to use against them all powers which we might lawfully use against an belligerent, and among those powers is the right to demand, if successful in that war, whatever conditions this Government may choose to impose for its own safety and security hereafter. This is a part of the law of nations.

By what right did the allied powers restore Louis XVIII to the throne of France after the defeat of Bonaparte? By what right did Sardinia, more recently, annex Lombardy to its dominions after the defeat of the Austrians at Solferino? It belongs, sir, to the successful belligerent to dictate the terms of peace; and when those terms are not only consistent with humanity but imperatively demanded for our own security, who shall arraign us for demanding them? By the laws of war we have the right to emancipate the slaves of our enemies, and by the law of nations we have the right to demand of a defeated belligerent such changes in his own political condition as are necessary for our own protection. These are principles which have been declared and acted upon by all nations. They are principles which have been substantially asserted by the Supreme Court of this country in its decision in the prize cases. (2 Black's Rep.) They are principles which are now, for the first time, contravened in argument here. Nay, they are principles which are acknowledged and publicly avowed by the rebels themselves. Yet we are told here that the Government of the United States has no right to impose conditions upon people who have taken up arms and waged relentless war against it; who have invaded their territory and captured their ships upon the

high seas. Away with such sophistry and such empty subterfuges. The people of the rebellious States have, in the language of the Supreme Court, in the case to which I have referred, "cast off their allegiance and made war on their Government, and are none the less enemies because they are traitors." If they are enemies, then we have as regards them all the rights of enemies, and among these rights none is better established than the right, if we are victorious, to dictate such terms as regards their future political condition as may be necessary for our own safety and tranquillity.

But if the gentleman is really anxious to find in the Constitution an expressed warrant for our proposed action, he may find it not only in that clause which declares that the United States shall guaranty to every State in the Union a republican form of government, and shall protect each of them against invasion, but he can draw it also from that great reservoir of powers in the first article, which gives to Congress the right to make all laws which shall be necessary and proper for carrying into execution all powers vested by the Constitution in the Government of the United States, or in any department or office thereof; for among those powers is a power to require the laws to be faithfully executed, and if the laws of the United States cannot be faithfully executed in those revolted districts without these fundamental changes in their condition, which changes we have also by the laws of war the right to impose, let the gentleman upon this ground satisfy his cravings for constitutional authority and vote for this measure, which is necessary, not only for the continued and peaceful execution of the laws, but also necessary in order to preserve a perfect Union, to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Speaker, I move that the gentleman from Pennsylvania have permission to proceed with his remarks.

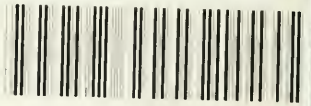
The SPEAKER. The Chair hears no objection. The gentleman from Pennsylvania will proceed.

Mr. THAYER. Mr. Speaker, the voice of the people of the United States cannot be mistaken. They demand of us, their Representatives, that the institution of human slavery which has from the beginning been our national reproach, the fruitful source of sectional enmity and strife, the obstacle to the development of one half of our territory, the secret enemy which has for seventy years sown our vineyard with tares and brambles, which has alienated brethren of the same blood, which has proscribed education, fomented discord, encouraged opposition to our republican system, weakened the ties of national allegiance, and at last arrayed itself in bloody war against the Government, shall be forever blotted out in the rebel States, and that upon its ruins shall be written a legend like that which indignant France wrote over the gateway of rebellious Lyons,

"Slavery made war upon the republic; slavery is no more!" They demand this as the right of war against the public enemy. They demand it in the name of that very Constitution which is sought here to be made its shelter and its shield. They demand it as the only adequate compensation for the sacrifices which they have made and the sufferings which they have endured. They demand it in the name of liberty and humanity. They demand it as the only pledge of future union and tranquillity. They demand it for their own peace and safety, and for the repose and security of their children. Already its grim and terrible form, weakened by its wounds, begrimed with the dust of battle, and covered with the blood of brave men which has been shed in this sanguinary war, cowers and reels before the banners of the Republic. As it falls let it hear ringing in its ears the decree for its extermination pronounced here by the Representatives of the people.

Sir, I rejoice that I shall be able to say, when I go home, to my constituents, that whatever differences of opinion in regard to public affairs may prevail among the members of this House, I believe that those among them who are not true and loyal to their country at this critical moment of its existence are few in number and insignificant in influence. Greater responsibilities never rested upon the representatives of a free people than those which weigh upon us. If we perform the sacred trust which has been confided to us, with courage and fidelity, we shall receive the thanks of a grateful people, and will not be unremembered in that bright and happy future when our vast and fertile country, stretching from sea to sea, and from the frigid to the torrid zone, with her millions of rejoicing people, shall come forth from her present trials, purified and strengthened by the terrible ordeal, and put on her garments of peace again. When the storm-clouds of the present disastrous time shall have cleared away, and our country shall emerge from them clothed with new vigor, with renewed strength, and with indestructible unity, History will take up her pen, and, in the clear sunshine of that proud and prosperous day, record on her enduring tablets the names of those who were true to its liberty, its unity, and its glory. And she will also, I am compelled to add, at the same time write in her eternal record the severe and unalterable verdict of posterity against those who, without the excuse of passion or the temptation of self-interest, abandoned in the moment of her most imminent and deadly peril, the country which gave them birth; who derided her great struggle for self-preservation; who would have struck from her hand the sword which she had drawn to protect her honor and her life; who sympathized with her foes, and gave them moral if not material aid; who contemplated with unconcern the threatened dissolution of the Government and the country, and whose voices were only heard in this hall as the echoes of those of her enemies.

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